

REMARKS

Claim 22 is amended, and claim 44 is cancelled, in response to claim rejection made under 35 U.S.C. 112, 2nd Paragraph. New claim 45 is added. Claim 22(Currently Amended) and claim 45 (New) recite alarms in response to the coating or material, performance report. See applicants' specification, paragraphs *inter alia*, [0027] to [0031], [0157].

Greenfield, Pat. No. 5,737,227

Greenfield shows a computer system to record system components, conditions, planning, maintenance. It includes "coating standards, for coatings as may be used in the process. Col. 3, lines 60 to 69, col. 4, lines 1-5.

The invention is described as a method with a computer implementation.

The first Step 100, Facility Breakdown/Asses Groups, is briefly described in Table 1. Col. 4, lines 14 -39. The method requires identification of separate Master Components, by type, whether or not critical, and location. Subcomponents of each Master component are entered, with Subcomponent details are limited to the respective materials and configuration, criticality, date of creation, and to an identification number, under the respective Master Component number.

The second Step 200, Condition Survey, is briefly described in Table 2, col. 4, lines 46 to 64, col. 5, lines 1-44. The Condition Survey is limited to the the Subcomponent level and to

The third Step 300, Coating Systems Standards, is a record made by selection of specific coatings and respective standard for use. As described, it is a data base of operator defined criteria or calculations. As described, it is not made specific to any Master Component or Subcomponent. Col. 5, lines 45 to 67, col. 6, lines 1 to 60.

The fourth Step 400, Work Management, is a record made after review of each Subcomponent's condition and by application of engineering or administrative expertise, experience, and knowledge, altering or accepting the surveyor's recommendations, and schedules work for the respective Subcomponents. Specific Data operations and reports, are identified. Col. 7, lines 24 to 30.

The methodology of Steps 100, 200, 300, and 400, is shown in Figs. 2, and 3A to 3H.

Fig. 4, and Col. 9, lines 45 to Col. 12, lines 50, shows a facility with Master Components and Subcomponents. The method of Steps 100, 200, 300, and 400, are shown applied to the facility shown in Fig. 4, presumably using the computer data entry and processing system described in the flow charts of Fig. 3A to 3H and in Col 7, line 32 to Col. 9, line 44.

Claims 1 and 5-11, were rejected by applying the "computer system of Greenfield," to the method claims 23 and 27-32 and "applying the same rejection to claims 1, and 5 -11."

While Greenfield does refer to a computer system for "using the novel four step implementation process," (see Col. 7, lines 32 to 35), grounds for rejection under 35 U.S.C. 102 requires, to anticipate a claim, the reference must teach every element of the claim. See cases cited in Manual of Patent Examining Procedure §2131, for the rule,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001)

35 U.S.C. 112, 6th Paragraph, requires,

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

The rejection of claims means plus function claims 1, and 5 -11, relying on the rejection of method claims 23 and 27 – 32, is without meeting the standard of review, requiring a critical demonstration of every claimed element, in Greenfield, fails that Standard of Review.

Claim 1, recites,

A data processing system for controlling corrosion,
comprising,

- a) means for data processing including means for data collection for storing data in a data base and means for producing reports from said stored data;
- b)said means for producing reports includes means for producing summary recommended work reports summarizing recommended work for controlling corrosion at the enterprise, structural, or element, levels.

Greenfield is limited to master components and subcomponents. Greenfield does not disclose in Col. 3, line 59 to Col. 4, line 4, the organization of the system at the inventive enterprise, structural, or element, level, as recited in claim 1.

Claims 2 to 4 are rejected under 35 U.S.C. 103(a). The law with respect to obviousness and the standard of review for examination, are explained in IN RE SANG-SU LEE 277 F.3d 1338 (Fed. Cir. 2002) and the leading case law on 35 U.S.C. 103, KSR INTERNATIONAL CO., PETITIONER v TELEFLEX INC. ET AL. 527 U.S. 150, 50 USPQ2d 1930. The standard of review requires that a final action of rejection, on appeal, must be set aside an action that is arbitrary, capricious, an abuse of discretion,

or otherwise not in accordance with law; or unsupported by substantial evidence. In re Sang Lee, at, 1342.

The board cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies. KSR INTERNATIONAL CO., PETITIONER v TELEFLEX INC. ET AL. 527 U.S. 150, at 11.

Means plus function claims 2 -4 recite,

2. The system of claim 1, including means for producing log on screens at said enterprise, structure, or element level, for summarizing recommended work or costs, at said respective enterprise, structure, or element, levels.

3. The system of claim 1, including means for producing log on screens at said enterprise, structure, or element, levels, with links to said recommended work reports at said respective levels.

4. The system of claim 1, including means for producing log on screens at said enterprise, structure, or element level summarizing costs and with links to recommended work reports at said respective levels.

Rejection of claims 2- 4 requires an articulated statement of grounds and reasons, including a statement of what elements in the Greenfield disclosure is the same as the recited claim elements, and the exact teaching or disclosure in Greenfield relied upon. Any conclusion must be supported by common sense logic to the Greenfield facts. The rejection, relying on the conclusion claims 2 -4 recite, a means for performing the method of claims 24 – 26, and Greenfield's teaching of the methods of claims 24 -26, is applied to claims 2 – 4, has no facts or logic and cannot support the conclusion of obviousness.

Claim 5, rejected under 35 U.S.C. 102, recites,

The system of claim 1, wherein said means for producing summary work reports includes means for producing for at least one said summary work report, listing the recommended work in at least one time defined forecast, or a report of the cost of deferring any part of said recommended work.

See patent publication, paragraphs [151] to [156].

The rejection of claim 5 relies on the rejection under 35 U.S.C. 102 relies on the same rejection given for claim 1, which does not meet the standard of review as stated in the response to the claim 1 rejection. There is no disclosure in Greenfield of “deferring any part of the recommended work,” in Table 4, as stated by examiner, or anywhere.

Claim 7, rejected under 35 U.S.C. 102, recites

The system of claim 1, wherein said means for producing summary recommended work reports at said element level includes means for producing at said elemental level, at least a coating system performance report, or optimum work schedule report, or deferred work report, or completed work report.

See patent publication, paragraphs [169] et seq. for the disclosed means for producing an optimum work schedule report.

There is no disclosure in Greenfield, in the abstract and column 3, line 59 – column 4, line 4. Or in Table 4, or in column 12, lines 53 to 65, or column 11, Table 11, or column 5, Table 3 or column 8, lines 1-29, or column 3, line 59 – column 4, line 4. Or column 7, lines 33 -52, of means for producing an optimum work schedule report.

Claim 8, rejected under 35 U.S.C. 102, recites,

The system of claim 1, wherein said means for storing data includes means for storing data indicative of condition evaluation of at least one element, and of respective corrosion control action for a respective element at a defined degradation level.

See patent publication paragraphs [86] to [89], [151] to 160].

The rejection of claim 5 relies on the rejection under 35 U.S.C. 102 relies on the same rejection given for claim 1, which does not meet the standard of review as stated in the response to the claim 1 rejection. Greenfield does not show the underlined recitation. Greenfield shown no disclosure of rates or levels of degradation, in Greenfield disclosed system.

Claim 13, rejected under 35 U.S.C. 102, recites,

The system of claim 9, wherein said means for storing data indicative of corrosion control standards, includes means for storing data indicative of an identifier and one or more standards of surface preparation requirements, primer coat, second coat, third coat, finish coat, installed cost, touch-up costs, refresh costs, restore costs, specific use identifier, initial condition factor, or degradation rate factor.

Greenfield does not show the underlined recitation. Greenfield shown no disclosure of rates or levels of degradation, in Greenfield disclosed system, in col. 5, Table 3, as stated by examiner or at any other location in Greenfield.

Claim14, rejected under 35 U.S.C. 102, recites,

The system of claim 9, wherein said means for producing summary recommended work reports, includes means for producing an optimum maintenance scheduling report, responsive to at least one selected element, selected acceptable condition grade, condition grade expected in relation to the related installed coating system for the respective element, providing actions or budget estimates.

See patent publication paragraphs [169] to [171].

There is not disclosure in Greenfield, col. 8, col. 3 and 4, or col. 2, which meets the means plus function recitations of claims 14. The grounds of rejection refer to parts of

Greenfield without any reasons why or how, any of the cited Greenfield disclosure, anticipates the recited elements of claim 14.

Claim 15, rejected under 35 U.S.C. 102, recites,

The system of claim 7, wherein said means for producing summary recommended work reports, includes means for producing a material performance report for comparing the performance of an applied corrosion control system with expected performance for said applied system and including means for combining element data for at least one selected element, said element data including actual condition grade data, with data indicative of expected performance for said element with said applied system.

There is no disclosure in Greenfield in col. 12, lines 53 to 65 or col. 2, lines 26 to 30, that discloses a performance report or comparison of performance with expected performance.

Claim 16, rejected under 35 U.S.C. 102, recites,

The system of claim 7, wherein said means for producing summary recommended work reports includes means for producing a cost of deferring work report including data indicative of at least one selected element, a selected deferral period, data indicative of the expected performance of a corrosion control system applied to said selected element, means responsive to said element data and said expected performance data for calculating the future costs of deferred maintenance.

The rejection of claim 5 relies on the rejection under 35 U.S.C. 102 relies on the same rejection given for claim 1, which does not meet the standard of review as stated in the response to the claim 1 rejection.

There is no disclosure in Greenfield of means for calculating deferred maintenance.

The reference to Greenfield, Col. 13, lines 53- 56, refers to calculating cost of coating and has no disclosure of the costs of deferred maintenance.

Claim 20, rejected under 35 U.S.C 102, recites,

The system of claim 14, where said means for producing said optimum maintenance scheduling report includes means for using for said selected element, condition grades acceptable before maintenance is to be performed and wherein said condition grades expected is derived from data indicative of said coating system installed for said selected element.

The Greenfield disclosure in col. 12, lines 53 to 65, is shown as an enabling disclosure capable of reduction to practice by one skilled in the art and not an anticipation under 35 U.S.C.102. There is no disclosure in Greenfield, col. 5 of “conditions grades,” or “expected condition grades.”

Claim 21, rejected under 35 U.S.C. 102, recites,

The system of claim 1, wherein said means for producing said summary recommended work reports includes means for maintenance priority reports including means for using element data for at least one selected element, indicative of priority, refresh or restore costs, and means for determining the priority for maintenance for said selected element based on a designated allocation of maintenance budget.

See patent publication paragraph [096] tp [098].

Greenfield does not disclose the recited underlined claim elements. Col. 12, lines 53 – 65, mention “priority lists,: as an afterthought of what might be but without the necessary disclosed structure for reduction to practice of a preferred embodiment.

Claim 22 (Currently Amended), rejected under 35 U.S.C. 102, recites,

The system of claim 7, including means for producing alarms responsive to said coating system performance report.

There is no disclosure in Greenfield of a means for producing the recited alarms, responsive to performance. See applicants' specification, paragraphs [0027] to [0031], [0157].

Claim 22 is amended to meet the rejection under 35 U.S.C. 112, 2nd Paragraph. There is no disclosure in Greenfield of a means for producing the recited "alarms." See applicants' patent publication, paragraphs [0027] to [0031], [0157].

Claim 23, rejected under 35 U.S.C. 102, recites

A method for controlling corrosion, comprising the steps of, a) the step of data collection for storing data in a data base and the step of producing reports from said stored data; b) said step of producing reports includes the step of producing summary recommended work reports summarizing recommended work for controlling corrosion at the enterprise, structural, or element, levels.

Greenfield is limited to master components and subcomponents. Greenfield does not disclose in Col. 3, line 59 to Col. 4, line 4, the recited method at the inventive enterprise, structural, or element, level, as recited in claim 23.

Claim 27, rejected under 35 U.S.C. 102, recites,

The method of claim 23, wherein said step of producing summary work reports includes the step of producing for at least one said summary work report, listing the recommended work in at least one time defined forecast, or a report of the cost of deferring any part of said recommended work.

The grounds for rebuttal of the rejection applied to claim 5, are applied to this rejection, the same as if repeated in its entirety.

Claim 29, rejected under 35 U.S.C. 102, recites,

The method of claim 23, wherein said step of producing summary recommended work reports at said element level includes the step of producing at said elemental level, at least a coating system performance report, or optimum work schedule report, or deferred work report, or completed work report.

There is no disclosure in Greenfield, In the abstract and column 3, line 59 – column 4, line 4. Or in Table 4, or in column 12, lines 53 to 65, or column 11, Table 11, or column 5, Table 3 or column 8, lines 1-29, or column 3, line 59 – column 4, line 4. Or column 7, lines 33 -52, of means for producing an optimum work schedule report.

Greenfield is limited to master components and subcomponents. Greenfield does not disclose in Col. 3, line 59 to Col. 4, line 4, the organization of the system at the inventive enterprise, structural, or element, level, as recited in claim 1.

Claim 30, rejected under 35 U.S.C. 102, recites,

The method of claim 23, wherein said step of storing data includes the step of storing data indicative of condition evaluation of at least one element, and of respective corrosion control action for a respective element at a defined degradation level.

The grounds for rebuttal of the rejection given for claim 8, is applied to the rejection for claim 30, the same as if restated here in its entirety.

Greenfield does not show the underlined recitation. Greenfield shown no disclosure of rates or levels of degradation, in Greenfield disclosed system.

Claim 33, rejected under 35 U.S.C. 102, recites,

A corrosion control system, comprising, a data processor including a data base; said data base adapted to store data indicative of a facility and elements within said facility subject to corrosion; said data base adapted to store data indicative of corrosion control standards for controlling corrosion on said elements; said data processor adapted to

access said data in said data base to produce data indicative of reports of corrosion control plans for said elements.

There is disclosure in Greenfield , in Table 4, or anywhere else, of a data base storing data indicative of corrosion control standards.

Claim 34, rejected under 35 U.S.C. 102, recites,

The system of claim 33, wherein said data base is adapted to include data indicative of at least one structure comprising a plurality of elements or an enterprise comprising a plurality of structures and said data processor is adapted to produce at least one summary recommended work report summarizing recommended work for controlling corrosion at the enterprise, structural, or element, level.

The rejection of claim 34 should be vacated for the grounds given for claim 1.

Claim 37, rejected under 35 U.S.C. 102, recites,

The system of claim 36, wherein said data processor is adapted to produce said linked recommended screen reports in a summary recommended work report, or in a forecast for recommended work over a defined period of time or in a report of the cost of deferred work.

There is no disclosure in Greenfield of “deferring any part of the recommended work,” in Table 4, as stated by examiner, or anywhere.

Claim 38, rejected under 35 U.S.C. 102, recites,

The system of claim 33, wherein said data base is adapted to store data indicative of corrosion control standards for surface preparation requirements, primer coat, second coat, third coat, finish coat, installed cost, touch-up costs, refresh costs, restore costs, specific use identifier, initial condition factor, or degradation rate factor.

Greenfield does not show the underlined recitation. Greenfield shown no disclosure of rates or levels of degradation. The rebuttal to the rejection of claim 8, is applied here in

its entirety.

Claim 41, rejected under 35 U.S.C. 102, recites,

The system of claim 33, wherein said data processor adapted to access said data in said data base to produce data indicative of reports of corrosion control plans for said elements, is adapted to produce data indicative of cost of deferring work including data indicative of at least one selected element, a selected deferral period, data indicative of the expected performance of a corrosion control system applied to said selected element, and responsive to said element data and said expected performance data, data indicative of the future costs of deferred maintenance.

There is no disclosure in Greenfield of “deferring any part of the recommended work,” in Table 4, as stated by examiner, or anywhere.

Claim 44 is cancelled and new claim 45 substituted in its place.

Claim 45 (New) The system of claim 42, wherein said data processor is adapted to produce a report of expected to predicted performance for at least one respective coating system and said data processor is adapted to compare said comparing expected predicted performance. The data report of performance may be accessed by system programming and used to generate to generate one or more alarms.

There is no disclosure in Greenfield of a means for producing the recited “alarms.” See applicants’ patent publication, paragraphs [029] to [031].

Claims 6, 9, 10, 11, 12, 17, 18, 19, 28, 31, 32, 39, 40, 41, 42, and 43, are rejected under 35 U.S.C, 102. The standard of review for rejections under 35 U.S.C.102, requires that each element recited in the claims are disclosed in the cited reference. The grounds given for rejection of these claims has not met the standard of review. These claims are allowable as dependent from respective allowable claims.

Claims 24, 25, 26, 35 and 36, are rejected under 35 U.S.C. 103. The standard of review for rejections under 35 U.S.C 103 requires an articulated reason based on facts connected by common sense logic, to the conclusion for rejection. "Official notice," is an evidentiary standard fixed in the Federal Rules of Evidence, which does not include "official notice," as used in this rejection. "Official notice," as used in this rejection, has no meaning and denies to applicant, due process rights to an understandable rejection that may be fairly rebutted. To meet the standard of review, it is necessary to show the recited disclosed elements Greenfield or another cited reference and articulated reasons, based on facts, why these claims are obvious. These claims are allowable as dependent from respective allowable claims.

Respectfully,

/joelirosenblatt/

Joel I. Rosenblatt, Reg. No. 26025

Attorney for Applicant